

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact Upon the)
Broadcast Service)

MM Docket No. 87-268

To: The Commission

COMMENTS OF UNIVISION COMMUNICATIONS INC.

Univision Communications Inc. ("Univision"), by its attorneys, hereby comments on the November 20, 1997 filing by the Association for Maximum Service Broadcasters, Inc. ("MSTV") addressing the table of allotments for digital television ("DTV") (the "MSTV Filing") and the November 25, 1997 filing by the Association of Local Television Stations, Inc. ("ALTV") addressing the DTV power disparity between UHF and VHF stations (the "ALTV Letter"), in the above-referenced proceeding.^{1/} As discussed below, Univision supports the current efforts to solve the greatest problem in both the Commission's DTV table of allotments and MSTV's proposed DTV table of allotments -- the power disparity threatening the continued viability of UHF stations in the digital era. In particular, Univision supports the beam-tilt

^{1/} This filing is timely made pursuant to the December 2, 1997 Public Notice issued by the Commission which requested comments on these two filings by December 17, 1997. Univision owns and operates thirteen television stations, including KLUZ-TV, Albuquerque, NM; KUVN, Garland, TX; KFTV, Hanford, CA; WGBO-TV, Joliet, IL; KMEX-TV, Los Angeles, CA; WLTV, Miami, FL; WXTV, Paterson, NJ; KTVW-TV, Phoenix, AZ; KXLN-TV, Rosenberg, TX; KWEX-TV, San Antonio, TX; KDTV, San Francisco, CA; KUVI, Bakersfield, CA; and KUVS, Modesto, CA.

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proposal made by ALTV, as well as the establishment of higher minimum power levels proposed by a number of UHF broadcasters. While the MSTV Filing fails to address this vitally important issue, Univision does agree with MSTV that the newly-discovered interference between adjacent channel DTV allotments must be addressed immediately. However, MSTV's efforts to create a revised table to resolve this and other perceived problems has led to certain reallocation proposals that not only fail to rectify the adjacent DTV channel problem, but actually make matters worse.

I. The Commission Should Adopt Both Current Proposals Aimed at Achieving Workable Power Levels for UHF Broadcasters in the Digital Domain

As set forth in the ALTV Letter, the DTV power disparity that will exist between UHF and VHF stations represents one of the greatest problems in the Commission's DTV table of allotments. See ALTV Letter. Quite simply, the "fundamental power imbalance" between UHF and VHF broadcasters in the Commission's DTV table of allotments could prevent millions of viewers from receiving the DTV signal of UHF television stations that they currently watch. This is due to a number of factors, including the likely use of indoor antennae by many viewers, the loss of DTV signals due to their inability to penetrate buildings (particularly in heavily-populated urban areas), and the likelihood that real-world receivers will not be nearly as sensitive as the Commission has presumed. All of these problems are greatly intensified by the "cliff effect" of DTV, whereby viewers receiving a weak DTV signal do not get a bad picture -- they get no picture at all. As a result, many viewers may not be aware that some stations even exist, or that they could be received with a better (or better adjusted) antenna. Indeed, many UHF broadcasters are questioning whether they will be able to reach viewers within their current Grade A signal contour. Id. at 2. If these fears are confirmed, UHF stations will be unable to serve their communities and compete with the DTV facilities of their VHF counterparts.

Consequently, viewers will suffer a loss of program diversity, either because they are unable to receive the DTV signals of many local UHF stations, or because those stations will have ceased to exist as a result.

The Commission's request for comments regarding the ALTV Letter represents a genuine effort to address, and resolve, this severe threat to the Commission's efforts to replicate the existing broadcasting landscape in a DTV world. Given the many unknowns with regard to the real-world performance of DTV, the current table of allotments leaves no margin of error for UHF broadcasters if it is discovered that DTV signal propagation does not match that predicted in the laboratory. Given the severe ramifications of such a discovery for UHF broadcasters, the viewing public, and the DTV transition itself, the Commission must ensure that UHF broadcasters have the power levels necessary to serve their audiences and compete with VHF broadcasters. Both ALTV's proposal to use beam-tilt and the proposal by UHF broadcasters to increase the minimum power level for UHF DTV facilities are reasonable solutions to a serious problem and should create minimal delay in adopting a final DTV table of allotments. Accordingly, Univision supports the ALTV Letter, the proposed remedies therein, and the minimum power level proposal championed by Viacom and others.

II. While the Commission Should Immediately Address the Adjacent DTV Channel Interference Issue Raised by MSTV, the Commission Should Be Aware that the Table of Allotments Proposed by MSTV Will in Some Situations Create Adverse Effects

The centerpiece of the MSTV Filing that spurred the Commission to request comments from interested broadcasters are 357 proposed changes to the Commission's DTV table of allotments. See MSTV Filing at 8. According to MSTV, these changes have been proposed to resolve two issues. First, approximately two-thirds of the proposed changes attempt to rectify

DTV-to-DTV adjacent channel assignments. Id. at 9. Presumably, the remaining changes concern what MSTV has labeled the “Acute Problem Areas,” which, specifically, are “the most spectrum-congested parts of the country -- the Northeast, Great Lakes region, and California coast.” Id. at 3. The MSTV submission does not address the UHF DTV power disparity issue.

As it now appears that DTV-to-DTV adjacent channel assignments represent a genuine problem in the Commission’s DTV table of allotments, Univision urges the Commission to employ MSTV’s submission as a tool to address and resolve this issue.^{2/} Univision does not, however, support MSTV’s proposed changes aimed at dealing with the “acute problem areas.” While MSTV may be correct that these are spectrum-congested areas, such markets are inherently problematic and cannot be resolved by simply “reshuffling” allotments. The markets remain spectrum-congested and the main result of any reshuffling is that a new set of licensees will be unhappy with their proposed assignments. Similarly, MSTV’s efforts to suggest alternate allotments to resolve the adjacent DTV channel issue may have, in some circumstances, created new problems unintentionally. It is for this reason that Univision believes that the Commission should use the proposed MSTV table as a tool for making necessary adjustments to the DTV table of allotments rather than adopting MSTV’s changes outright. In particular, Univision wishes to draw the Commission’s attention to two specific problems with the MSTV proposal that will significantly impact Univision.

^{2/} As noted by MSTV, the results of a study performed by the Advanced Television Technology Center, and confirmed by Canadian experts, found that “the Commission and the industry had severely underestimated the extent to which real-world DTV signals are susceptible to interference and, therefore, that many adjacent DTV channels were situated too close together.” MSTV Filing at 6.

A. KMEX-TV, Los Angeles, California: NTSC 34, DTV 35, MSTV DTV 35

During the course of this proceeding, Univision has closely watched the Commission's treatment of KMEX-TV, Los Angeles, California. As the nation's most popular Spanish-language network, Univision's ability to serve the Los Angeles market, which contains 18.2% of all Hispanic households in the United States, is critical.^{3/} Hispanics in the Los Angeles area rely heavily on the programming of KMEX-TV, whose 6:00 p.m. local newscast ranks first in the market among 18 to 54 year-olds.^{4/}

Presently, KMEX-TV broadcasts in Los Angeles on NTSC channel 34 with an effective radiated power of 1,950 kilowatts (peak). The Commission's DTV table of allotments assigned KMEX-TV adjacent DTV channel 35 with 70.3 kilowatts of power. The Commission also assigned DTV channel 36 to KNBC, creating what we now know is a DTV-to-DTV adjacent channel issue.

Rather than resolve this DTV-to-DTV adjacent channel problem in the Los Angeles market, MSTV's proposed table of allotments instead makes the situation far worse. MSTV proposes to reallocate DTV channel 32 to KCET and, in violation of the Commission's policy of assigning a DTV channel adjacent to an NTSC channel only where they are commonly-owned, assigned DTV channel 33 to KCOP. The adverse impact of this proposal is increased by the fact that KCOP and KNBC will operate with five to nine times more power than KMEX-TV.

^{3/} See Nielsen Universe Estimates (July 1997).

^{4/} See Nielsen NSI (October 1997).

In other words, under the Commission's DTV table of allotments Univision faced the following situation:

Channel	31	32	33	34	35	36	37
Status (FCC)	Empty	Empty	Empty	KMEX NTSC at 1950 kW (NTSC ERP)	KMEX DTV at 70.3 kW	KNBC DTV at 680.9 kW	Empty

If MSTV's proposed changes are adopted, Univision faces the following situation:

Channel	31	32	33	34	35	36	37
Status (MSTV)	Empty	KCET DTV at 112.5 kW	KCOP DTV at 354.0 kW	KMEX NTSC at 1950 kW (NTSC ERP)	KMEX DTV at 71.1 kW	KNBC DTV at 664.2 kW	Empty

Thus, rather than fixing the DTV-to-DTV adjacent channel problem between channels 35 and 36, MSTV has compounded the problem by (1) placing another DTV channel adjacent to Univision's NTSC signal and (2) creating another DTV-to-DTV adjacent channel problem between KCET and KCOP. Moreover, under MSTV's proposed scheme, KMEX's NTSC signal would be in the middle of four DTV stations operating at equal or far higher power levels. Univision is unaware of any DTV engineering studies that indicate such an operation could exist in the real world without suffering severe interference. Even if it were somehow possible to co-locate all of these stations on a single tower, the tremendous power disparity would likely obliterate the KMEX-TV signal. MSTV's proposed changes in the Los Angeles market appear to create far worse problems than any they might resolve. Given the critical importance of KMEX-TV to both Univision and the Hispanic residents of Los Angeles, Univision urges the Commission to reject MSTV's proposed DTV allotments in this market.

B. KXLN-TV, Rosenberg, Texas: NTSC 45, DTV 46, MSTV DTV 43

Univision presently serves the Hispanic residents of the Houston, Texas market through KXLN-TV, Rosenberg, Texas, on NTSC channel 45. The Commission's DTV table of allotments assigned KXLN-TV adjacent DTV channel 46. Univision has been concerned about this station because the Commission has also assigned DTV channel 44 to KZJL, Houston, Texas, which threatens KXLN's adjacent NTSC signal and would seem to violate the Commission's policy of allocating DTV channels adjacent to NTSC channels only where they are co-owned. The DTV table of allotments proposed by MSTV, however, makes matters worse by moving KXLN's DTV channel from 46 to 43. In other words, the Commission had proposed the following:

Channel	42	43	44	45	46	47
Status (FCC)	Empty	Empty	KZJL DTV at 117.0 kW	KXLN NTSC at 2190 kW (NTSC ERP)	KXLN DTV at 62.8 kW	Empty

MSTV proposes to change this situation as follows:

Channel	42	43	44	45	46	47
Status (MSTV)	Empty	KXLN DTV at 60.2 kW	KZJL DTV at 116.5 kW	KXLN NTSC at 2190 kW (NTSC ERP)	Empty	Empty

Thus, similar to the situation in Los Angeles, MSTV has actually created another DTV-to-DTV adjacent channel problem. Moreover, MSTV has left KXLN-TV with a competitor between its NTSC and DTV channels, potentially causing interference to both. This proposed allotment is particularly mystifying as MSTV could have easily swapped the two DTV channel

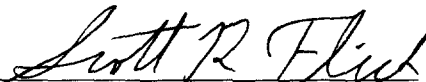
assignments, placing KXLN on channel 44 and KZJL on channel 43. This would at least have remedied the non-co-owned DTV to NTSC adjacency problem. Instead, the MSTV proposal creates a new adjacent DTV channel problem and fails to eliminate the existing NTSC/DTV adjacency problem. Univision therefore urges the Commission to reject this MSTV-proposed allotment. If, however, the Commission adopts MSTV's proposed allotment in the Houston market, Univision asks that the Commission at least swap the DTV allotments for KZJL and KXLN-TV proposed by MSTV so that KZJL's DTV channel is not located between KXLN-TV's DTV and NTSC channels.

Conclusion

For the foregoing reasons, Univision hereby urges the Commission to (1) address and resolve the UHF DTV power issue as set forth in the proposals of ALTV and Viacom and (2) eliminate adjacent channel allotments wherever possible so long as new problems, like those described above, are not created.

Respectfully submitted,

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